

## Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02

OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

SAL-01 AF-08 ARA-10 EA-09 EUR-12 NEA-10 /188 W

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R 301555Z APR 76

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 7220

UNCLAS SECTION 1 OF 2 USUN 1860

FROM LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: MARINE SCIENTIFIC RESEARCH, THIRD COMMITTEE

WORKING GROUP AND INFORMAL MEETING OF COMMITTEE III --

28 APRIL

REF: USUN 1676

1. WORKING GROUP ON MARINE SCIENTIFIC RESEARCH DID NOT MEET  
22 APRIL, THEREBY ALLOWING ADDITIONAL TIME FOR INFORMAL  
NEGOTIATIONS AMONG SMALL GROUPS OF DELEGATIONS.

2. DISCUSSIONS OF WORKING GROUP OPENED ON 28 APRIL WITH  
CHAIRMAN METTERNICH INVITING FURTHER COMMENT ON THE TECHNOLOGY  
TRANSFER ARTICLES. ECUADOR NOTED THAT ALTHOUGH THERE HAD NOT  
BEEN ENOUGH TIME FOR EITHER THE GROUP OF 77 OR THE WORKING  
GROUP ON MARINE SCIENTIFIC RESEARCH TO COLLECTIVELY DISCUSS THE  
ECUADOREAN PROPOSAL FOR AN INTERNATIONAL SYSTEM FOR THE  
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TRANSFER OF TECHNOLOGY (REFTEL), NEVERTHELESS NUMEROUS

DELEGATIONS HAD APPROACHED ECUADOR TO INDICATE THEIR APPROVAL OF THE PROPOSAL. ECUADOR REQUESTED THE CHAIRMEN TO INCORPORATE THE ELEMENTS OF ITS PROPOSAL INTO THE NEW SNT. THE ECUADOREAN INTERVENTION BROUGHT DISCUSSION ON TECHNOLOGY TRANSFER TO A CLOSE.

3. THE CHAIRMAN THEN OPENED THE FLOOR FOR DISCUSSION OF ARTICLE 23 (INTERESTS AND RIGHTS OF LL/GDS), WHICH HAD BEEN PASSED OVER DURING THE ARTICLE-BY-ARTICLE DISCUSSION OF THE SNT. SPEAKING AS THE CHAIRMAN OF WORKING GROUP III OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, THE NETHERLANDS PROPOSED SUBSTITUTING THE FOLLOWING FOR ARTICLE 23:

QUOTE 1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES HAVING RIGHTS RELATED TO THE EXPLORATION AND EXPLOITATION OF RESOURCES, IN THE ECONOMIC ZONES OF NEIGHBORING COASTAL STATES AS PROVIDED FOR IN THIS CONVENTION, SHALL HAVE THE RIGHT TO CONDUCT IN SUCH ZONES MARINE SCIENTIFIC RESEARCH WHICH IS DIRECTLY RELATED TO THE EXPLORATION AND EXPLOITATION OF SUCH RESOURCES, SUBJECT TO THE PROVISIONS OF ARTICLES 15 AND 16; HOWEVER, THEY SHALL NOT NEED THE CONSENT OF THE COASTAL STATE IN CASES WHERE, OTHERWISE, CONSENT WOULD BE REQUIRED.

2. STATES AND COMPETENT INTERNATIONAL ORGANIZATIONS CONDUCTING MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONES OF COASTAL STATES SHALL TAKE INTO ACCOUNT THE INTERESTS AND RIGHTS OF THE LANDLOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES OF THE REGION NEIGHBORING TO THE RESEARCH AREA, AS PROVIDED FOR IN THIS CONVENTION.

3. SUCH NEIGHBORING LANDLOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES SHALL RECEIVE THE COMMUNICATION MENTIONED IN ARTICLE 17 ABOVE AND SHALL BE PROVIDED, AT THEIR REQUEST, WITH ALL RELEVANT INFORMATION AND ASSISTANCE AS SPECIFIED IN ARTICLE 15, SUBPARAGRAPHS (A) THROUGH (E) AND ARTICLE 16, SUBPARAGRAPHS (E) AND (G).

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4. NEIGHBORING LANDLOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES SHALL:  
A) HAVE THE RIGHT TO PARTICIPATE IN ANY MARINE SCIENTIFIC RESEARCH PROJECT WHICH IS DIRECTLY RELATED TO THE EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES REFERRED TO IN PARAGRAPH 1 ABOVE, IN CASE THEY ENJOY CERTAIN RIGHTS RELATED TO THE EXPLORATION AND EXPLOITATION OF

SUCH RESOURCES AS PROVIDED FOR IN THIS CONVENTION;  
B) BE GIVEN, AT THEIR REQUEST, THE OPPORTUNITY TO  
PARTICIPATE WHENEVER FEASIBLE, IN ANY RESEARCH  
PROJECT, WHICH IS NOT DIRECTLY RELATED TO THE EX-  
PLORATION OR EXPLOITATION OF THE RESOURCES UNQUOTE.

4. THE PROPOSAL INTRODUCED BY THE NETHERLANDS WAS  
CONSIDERED UNACCEPTABLE BY ARGENTINA, BRAZIL, CHILE,  
ECUADOR, INDIA, KENYA, MOROCCO, NIGERIA, PAKISTAN, PERU  
AND SOMALIA. IN THEIR INTERVENTIONS, EACH OF THESE  
NATIONS PUT FORTH ONE OR MORE OF THE FOLLOWING REASONS FOR  
THEIR POSITION: THE INTRODUCTION OF SUCH A COMPLEX AND  
DIFFERENT PROPOSAL AT SUCH A LATE STAGE OF THE NEW YORK  
SESSION DID NOT ALLOW SUFFICIENT TIME TO ANALYZE THE  
PROPOSAL; THE PROPOSAL PREJUDGED THE ISSUE OF THE RIGHTS  
OF THE LL/GDS, WHICH IN ANY EVENT IS PART OF THE MANDATE  
OF COMMITTEE II; THE PROPOSAL GRANTS AN ABSOLUTE RIGHT OF  
PARTICIPATION IN RESOURCE-ORIENTED RESEARCH AND THEREFORE  
MAY ENDANGER A COASTAL STATE'S SECURITY; AND, IN THE  
INTERVENORS' OPINIONS, THE PROPOSAL CONSTITUTES AN  
INFRINGEMENT OF A COASTAL STATE'S SOVEREIGN RIGHTS IN ITS  
ECONOMIC ZONE. CANADA HELD THE OPINION THAT THE PROPOSAL  
INTRODUCED BY THE NETHERLANDS MADE TOO MANY ASSUMPTIONS  
REGARDING THE RIGHTS OF THE LL/GDS. IRAQ AND PORTUGAL  
RESERVED ON THE PROPOSAL INTRODUCED BY THE NETHERLANDS.  
FRANCE BELIEVED THE PROPOSAL WAS WORTHY OF CAREFUL STUDY,  
AND THAT ITS LANGUAGE DID NOT PREJUDGE THE WORK OF  
COMMITTEE II. THE U.S., NOTING THE LENGTH OF THE  
PROPOSAL, STATED THAT IT WILL REQUIRE FURTHER STUDY.  
ALTHOUGH SYMPATHETIC TO THE SPECIAL REQUIREMENTS OF THE  
LL/GDS AS EXPRESSED IN SNT ARTICLE 23, THE U.S. BELIEVED  
THE ISSUE OF LL/GDS RIGHTS WAS IN THE PROVINCE OF  
COMMITTEE II.

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5. AUSTRIA, LESOTHO AND SINGAPORE SUPPORTED THE PROPOSAL  
INTRODUCED BY THE NETHERLANDS. TAKING EXCEPTION OF THE  
ASSUMPTION, MADE BY MANY OF THOSE OPPOSING THE PROPOSAL,  
THAT THE COASTAL STATE POSSESSED SOVEREIGN RIGHTS WITHIN  
THE ECONOMIC ZONE, SINGAPORE REMINDED THE WORKING GROUP  
THAT THE SUBSTANCE OF THIS ASSUMPTION IS ONE OF THE  
ISSUES BEFORE THE CONFERENCE. SINGAPORE STATED THAT  
SECURITY IS NOT ONE OF THE ELEMENTS OF THE ECONOMIC ZONE.  
SINGAPORE NOTED THAT THE LL/GDS, AS A GROUP, ARE SEEKING  
A NOTIFICATION REGIME FOR RESEARCH REGARDING LIVING  
RESOURCES. SINGAPORE STATED THAT THE LL/GDS HAVE A  
POSITIVE ROLE IN THE ISSUE OF MARINE RESEARCH AND COULD  
PERHAPS BE INFLUENTIAL IN BRINGING ABOUT A COMPROMISE  
BETWEEN THE RESEARCHING AND THE COASTAL STATES.

6. IN AN EFFORT TO COUNTER THE PROPOSAL INTRODUCED BY THE NETHERLANDS, PERU PROPOSED FOR SNT ARTICLE 23 THE FOLLOWING SUBSTITUTE, WHICH HAD BEEN AGREED TO BY MANY NATIONS DURING INTERSESSIONAL WORK: QUOTE STATES AND COMPETENT INTERNATIONAL ORGANIZATIONS CONDUCTING SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE OR ON THE CONTINENTAL SHELF OF A COASTAL STATE SHALL TAKE INTO ACCOUNT THE INTERESTS AND RIGHTS OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE NEIGHBORING REGION AS PROVIDED FOR IN THIS CONVENTION UNQUOTE. THE PERUVIAN PROPOSAL WAS SUPPORTED BY ARGENTINA, CHILE, PAKISTAN, PORTUGAL AND YUGOSLAVIA.

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UNCLAS SECTION 2 OF 2 USUN 1860

FROM LOSDEL

7. ECUADOR, INDIA, NIGERIA AND YUGOSLAVIA CONSIDERED THE PRESENT SNT ARTICLE 23 NOT TO BE A GOOD BASIS FOR NEGOTIATIONS, MAINLY BECAUSE IT PREJUDGED THE WORK OF COMMITTEE II AND INFRINGED UPON COASTAL STATE SOVEREIGNTY.

8. THE COMPLETION OF DISCUSSION ON ARTICLE 23 BROUGHT TO A CLOSE THE LAST MEETING, DURING THE NEW YORK LOS SESSION, OF THE THIRD COMMITTEE WORKING GROUP ON MARINE SCIENTIFIC RESEARCH. DURING THE AFTERNOON OF 28 APRIL, COMMITTEE III, CHAIRED BY AMBASSADOR YANKOV (BULGARIA), MET INFORMALLY TO RECEIVE THE REPORT OF THE ACTIVITIES OF THE WORKING GROUP ON MARINE SCIENTIFIC RESEARCH FROM ITS CHAIRMAN, MR. METTERNICH (FRG). MR. METTERNICH NOTED THAT IN ADDITION TO GOING THROUGH THE SNT TEXT ON MARINE SCIENTIFIC RESEARCH AND THE DEVELOPMENT AND TRANSFER OF TECHNOLOGY ARTICLE-BY-ARTICLE AND BY GROUPS OF ARTICLES, THE WORKING GROUP ALSO TOOK ADVANTAGE OF INTERSESSIONAL WORK AND NEGOTIATIONS AMONG DELEGATIONS. HE ALSO STATED UNCLASSIFIED

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THAT HE HAD BEEN INFORMED OF THE WORK CONDUCTED IN A SMALL, INFORMAL GROUP HEADED BY AMBASSADOR BRENNAN (AUSTRALIA), WHICH CONCENTRATED ON ARTICLES 14, 19, 20 AND 21 OF THE EVENSEN TEXT. MR. METTERNICH STATED NO CONSENSUS HAD BEEN REACHED IN THE WORKING GROUP. HOWEVER, IT WAS CLEAR THAT COMMITTEE III MUST COORDINATE WITH COMMITTEE II REGARDING THE REGIME FOR SCIENCE IN THE ECONOMIC ZONE, AND IT WAS CLEAR THAT CHAPTER III (CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH) RAISED THE CENTRAL ISSUES REGARDING MARINE SCIENCE. MR. METTERNICH THEN OFFERED THE FOLLOWING PERSONAL OBSERVATIONS:

A) DELEGATIONS SINCERELY DESIRE TO REACH AN ACCOMMODATION.

B) A TEXT WILL NOT BE ACCEPTABLE IF IT CONSISTS EXCLUSIVELY OF A CONSENT REGIME OR EXCLUSIVELY OF A NOTIFICATION REGIME. ONLY A TEXT MIXING ELEMENTS OF BOTH TYPES OF REGIMES WILL BE ACCEPTABLE.

C) MARINE SCIENTIFIC RESEARCH MUST BE ENCOURAGED BY ALL MEANS.

D) THESE EXISTS THE SERIOUS PROBLEM OF DEFINING THOSE TYPES OF RESEARCH WHICH SHOULD REQUIRE THE CONSENT OF THE COASTAL STATE. IT APPEARS TO BE APPROPRIATE THAT CONSENT SHOULD BE REQUIRED FOR RESEARCH CONCERNING RESOURCES, ENCOMPASSING DRILLING, OR UTILIZING ARTIFICIAL ISLANDS OR STRUCTURES COVERED BY ARTICLE 48 OF THE COMMITTEE II TEXT.

E) THE SETTLEMENT OF DISPUTES PRESENTS A DIFFICULT PROBLEM YET TO BE RESOLVED.

F) THE ISSUE OF RESEARCH AFFECTING THE VITAL NATIONAL

INTERESTS OF COASTAL STATES MUST BE RESOLVED IN A  
MANNER ACCEPTABLE TO BOTH COASTAL AND RESEARCHING STATES.

G) TECHNOLOGY TRANSFER DOES NOT APPEAR TO PRESENT  
ISSUES AS DIFFICULT AS THOSE INVOLVING THE CONDUCT OF  
MARINE SCIENTIFIC RESEARCH, PERHAPS IN PART BECAUSE  
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TECHNOLOGY TRANSFER IS BEING DEALT WITH IN OTHER FORA.  
CHAIRMAN YANKOV THANKED MR. METTERNICH FOR HIS REPORT AND  
OPENED THE FLOOR FOR COMMENTS. THERE BEING NO COMMENTS,  
CHAIRMAN YANKOV ADJOURNED THE INFORMAL MEETING OF  
COMMITTEE III.  
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## Message Attributes

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